
By: **Delegate Owings**
Introduced and read first time: February 11, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Liability of Landlord**

3 FOR the purpose of providing that, notwithstanding any other provision of law, a
4 landlord is not liable for injury, loss, or damage arising from a defect in or need
5 for repair to an area within the exclusive control of the tenant unless certain
6 conditions are met; providing that this Act preempts certain public local laws,
7 ordinances, and regulations; and generally relating to the liability of a landlord.

8 BY repealing and reenacting, with amendments,
9 Article - Real Property
10 Section 8-105
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Real Property**

16 8-105.

17 (A) If the effect of any provision of a lease is to indemnify the landlord, hold
18 the landlord harmless, or preclude or exonerate the landlord from any liability to the
19 tenant, or to any other person, for any injury, loss, damage, or liability arising from
20 any omission, fault, negligence, or other misconduct of the landlord on or about the
21 leased premises or any elevators, stairways, hallways, or other appurtenances used in
22 connection with them, and not within the exclusive control of the tenant, the
23 provision is considered to be against public policy and void. An insurer may not claim
24 a right of subrogation by reason of the invalidity of the provision.

25 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LANDLORD IS NOT
26 LIABLE FOR INJURY, LOSS, OR DAMAGE ARISING FROM A DEFECT IN OR NEED FOR
27 REPAIR TO AN AREA WITHIN THE EXCLUSIVE CONTROL OF THE TENANT UNLESS THE
28 LANDLORD HAD KNOWLEDGE OF THE DEFECT OR NEED FOR REPAIR AS A RESULT OF
29 THE LANDLORD'S RECEIPT OF:

1 (1) A WRITTEN COMMUNICATION FROM THE TENANT SENT BY
2 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT SPECIFIED THE DEFECT OR
3 NEED FOR REPAIR; OR

4 (2) A WRITTEN VIOLATION, CONDEMNATION, OR OTHER NOTICE FROM A
5 STATE, COUNTY, MUNICIPAL, OR LOCAL GOVERNMENT AGENCY THAT SPECIFIED THE
6 DEFECT OR NEED FOR REPAIR.

7 (C) SUBSECTION (B) OF THIS SECTION PREEMPTS A PUBLIC LOCAL LAW,
8 ORDINANCE, OR REGULATION RELATING TO THE LIABILITY OF A LANDLORD FOR
9 INJURY, LOSS, OR DAMAGE ARISING FROM A DEFECT IN OR NEED FOR REPAIR TO AN
10 AREA WITHIN THE EXCLUSIVE CONTROL OF THE TENANT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2004.